REMARKS

The Examiner is thanked for the examination of the application. In view of the remarks that follow, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections.

The Official Action rejects Claims 13, 18 and 19 under 35 U.S.C. § 101, noting that these claims are directed to the program itself. Independent Claim 13 is amended to address this issue, and recites that the image forming program is "recorded on a computer readable medium." This feature was previously recited in dependent Claim 19, which is now canceled. It is respectfully submitted that this rejection should now be withdrawn.

Claims 21, 23, 25, 27, 29 and 31 are rejected under 35 U.S.C. § 102(e) as being anticipated by Teraura (U.S. Patent No. 6,827,279). In rejecting independent Claims 21, 25 and 29, the Official Action takes the position that Teraura discloses each feature recited in these claims, including the first and second judgment steps as claimed. This rejection is respectfully traversed.

Independent Claim 21 recites, *inter alia*, an image forming device comprising a first judgment unit for judging whether a series of documents set on a document tray contains at least one electronically tagged printed matter that includes an electronic tag storing original image data, a transporting unit, and a second judgment unit for individually judging whether each of the documents transported by the transporting unit is an electronically tagged printed matter, when the first judgment unit judges that a series of documents contains at least one electronically tagged printed matter.

A non-limiting example of such a method is described in the present specification. A first judgment unit judges whether a series of documents contains at least one electronically tagged printed matter that includes an electronic tag storing original image data. For example, see S102 in Fig. 5. If the series of documents does contain at least one tagged printed matter, a series of options are displayed to the user to provide instructions. For example, see S112, S114, and Figs. 11 and 12. If a "no" instruction is received with regard to printing on IC tagged paper, an individual document of the series of documents is transported to a reading position. At the reading position, a second judgment unit judges the document individually to determine if the individual document is an electronically tagged printed matter. For example, see S120 in Fig. 7. Thus, the series of documents is first judged to determine if at least one document of the series is electronically tagged, and individual document is then transported to a specified location, and the individual document is judged a second time to determine if the individual document contains an electronic tag.

Teraura fails to disclose the first and second judgment units as claimed. Teraura discloses a method where a sheet of document paper 61 is placed in a tray on a printer/copy/facsimile device. When the device of Teraura functions as a printer, detecting means detect whether the data received from a computer includes RFID data. See Column 1, lines 54-55, Column 2, lines 9-15. The device draws printing paper from either a first paper tray having printing paper with RFID tags, if the document paper is detected as having RFID data, or a second paper tray having untagged printing paper if the document paper is detected as not including RFID data. Column 2, lines 16-26. An image that is read from the document paper is then

printed to the printer paper and/or tag. Thus, this mode of operation does not involve a series of documents on a document tray that are judged for containing electronically tagged printed matter. Rather, this mode of operation pertains solely to electronic data received from a computer.

In another mode of operation of the device, for example, a copying mode, a document paper is judged by a first reader-writer 15 to detect an RFID tag 14. Column 7, Lines 65-67. If an RFID tag is detected, data is read from the tag 15 by the reader-writer 15 and stored. Step B5, Column 8, Lines 23-27. Data from this RFID tag is then printed and/or written on to a sheet of printing paper. Column 9, Lines 1-15.

From the operations discussed above, it is seen that, at most, only one judging unit is used in each mode of operation. In the printing mode, the detection means detect the existence of RFID data in data received from a computer, while in the copying mode, the first reader-writer 15 detects the presence of an RFID tag on a document paper 61. Thus, Teraura does not disclose first and second judgment units as claimed. More specifically, there is no disclosure in Teraura of a first judgment unit judging whether a series of documents contains at least one electronically tagged printed matter, a transporting unit to transport to the documents sheet-by-sheet, and a second judgment unit individually judging each of the documents transported.

At paragraph "6" the Official Action identifies the first reader-writer 15 of Teraura as corresponding to the claimed first judgment unit. The Official Action further relies on Teraura's disclosure at Column 1, lines 54-56 to show this feature. The Official Action continues to identify the "first reader-writer" as corresponding to

the claimed second judgment unit, and relies on Teraura's disclosure at Column 2, lines 35-40. It is noted that the passage in Column 1 relied upon by the Official Action pertains to a method directed to the operation of a printer, while the passage relied upon in Column 2 pertains to a method directed to the operation of a facsimile. The passage in Column 1 regarding the printing function pertains detecting means for detecting whether received data includes RFID data. The passage in Column 2 regarding the facsimile function pertains to reading means for reading RFID data from a tag. Thus, the detecting means associated with the printing operation described in Column 1 and the first reader-writer 15 function independently of one another.

Claim 21 provides that the second judgment unit operates in the claimed manner when the first judgment unit judges that a series of documents contains at least one electronically tagged printed matter. Thus, the claim provides a relationship between the first and second judgment units, i.e. the second judgment unit operates in conjunction with the first judgment unit. No such relationship is provided between Teraura's detecting means and reading means relied upon in the Official Action. In fact, the cited detecting means pertain to a printer, while the cited reading means pertain to a facsimile. Thus, these two units are not related as the first and second judgment units are, i.e., the reading means of the facsimile do not individually judge whether each of the documents transported by a transporting unit is electronically tagged when the detecting means of the printer judges that a series of documents at least one electronically tagged printed matter. Because Teraura does not disclose both a first and second judgment or the relationship between them as claimed, withdrawal of this rejection is respectfully requested.

Independent Claims 25 and 29 recite features similar to those recited Claim 21. It is noted that Claims 25 and 29 are directed to a method and program and refer generally to functions rather than units. However, the remarks above with respect to Claim 21 still apply equally with regard to Claims 25 and 29. Hence, the remarks above are incorporated by reference here, with regard to Claims 25 and 29.

Claims 23, 27, and 31 depend from one of the claims addressed above, which are allowable. For at least this reason, these dependent claims are also allowable.

Claims 1, 6 ,7, 12, 13, 18-20, 22, 24, 26, 28 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Teraura in view of Nishigai et al ("Nishigai", U.S. Patent No. 5,825,911). In rejecting these claims, the Official Action takes the position that Teraura discloses each feature recited in the claims except for the printing unit to issue a blank paper as an output based on how a document is judged. The Official Action relies on the disclosure of Nishigai to cure this deficiency. This rejection is respectfully traversed.

Claim 1 provides for, *inter alia*, a printing paper judgment unit for judging whether there is an instruction for printing the original image data on an electronically tagged printing paper and a reading unit for reading the original image data from the electronic tag of the document which is judged as the electronically tagged printing matter by the judgment unit, when the printing paper judgment unit judges that there is an instruction for printing on an electronically tagged printing paper.

Teraura does not disclose a printing paper judgment unit which judges whether there is an instruction for printing the original image data on an electronically tagged printing paper as claimed. Teraura discloses a device where a document is placed in a tray of the device. A first reader-writer 15 detects whether the document

61 has an RFID tag. Column 7, Lines 65-67. The device may determine if there is permission data included in the data read from the RFID tag and request authentication from the user to copy the document. Column 8, Lines 28-60. The Official Action relies on this permission and authentication data to show the claimed "instruction for printing."

As noted above, Claim 1 provides that the printing paper judgment unit is for "judging whether there is an instruction for printing." It is not clear precisely which element the Official Action is relying on to correspond to the claimed printing paper judgment unit. As best understood, the Official Action is relying on the control circuit 29 of the reader-writer 15/17 to show the claimed feature, as the control circuit allows printing after proper authentication information, i.e. an ID number, has been entered. However, the control circuit 29 does not judge whether there is an instruction for printing as claimed.

To the extent an instruction for printing is disclosed by Teraura, the control circuit 29 actually provides that instruction after an authorized ID has been provided, rather than judging whether such an instruction exists. In the passages cited by the Official Action, the control circuit 29 judges only whether an authorized ID has been entered. Column 8, Lines 44-48. The entering and verification of authentication information is not an instruction for printing, rather, this step only allows a user to operate the device. Thus, Teraura fails to disclose a printing paper judgment unit that judges whether there is an instruction for printing the original image data on an electronically tagged printing paper equipped with an electronic tag.

Claim 1 further provides that a reading unit reads the original image data from the electronic tag of the document which is judged as electronically tagged printed

matter, "when said printing paper judgment unit judges that there is an instruction for printing on an electronically tagged printing paper equipped with an electronic tag." This feature is not disclosed by Teraura.

As discussed above, Teraura fails to disclose a printing paper judgment unit the judges whether there is an instruction for printing. However, even if such a feature were present, Teraura's disclosure still fails to provide a reading unit which reads the original image data when the printing paper judgment unit judges that there is an instruction for printing, as claimed. In Teraura, the reader-writer 15 reads the data in an RFID tag and stores the read data at step B5. Column 8, Lines 25-27. This step occurs before the process of authenticating a user, which the Official Action identifies as corresponding to the claimed instruction for printing. Thus, the reading of data from the RFID tag does not occur when a printing paper judgment unit judges that there is an instruction for printing. Rather, this step occurs not only before, but also independently of any judgment of whether there is an instruction for printing.

For the reasons discussed above, Teraura fails to disclose each feature recited in Claim 1. Nishigai does not cure these deficiencies. Accordingly, withdrawal of this rejection and allowance of Claim 1 is respectfully requested.

Independent Claims 7, 13, 20, 24 and 28 recite features similar to those recited in Claim 1. The remarks regarding Claim 1 are hereby incorporated by reference with respect to Claims 7, 13, 20, 24 and 28. Accordingly, withdrawal of this rejection and allowance of these independent claims is respectfully requested.

Dependent Claims 6, 12, 18, 19, 22, 26 and 30 ultimately depend from one of the independent claims addressed above, which are allowable. For at least this reason, these dependent claims are also allowable.

For at least the reasons cited above, it is respectfully submitted that is application is now in condition for allowance. In the event that there are any questions concerning this Amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

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